

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

ERIC T. SILBERG, M.D., et al.,)	
)	
Plaintiffs,)	
)	
v.)	CASE NO. 1:06-cv-0670-RLY-TAB
)	
ZOTEC SOLUTIONS, INC.,)	
)	
Defendant.)	

ENTRY ON JURISDICTIONAL QUESTION

On August 22, 2006, the Court approved the parties' proposed Case Management Plan and ordered them to submit a statement, specifically setting forth the citizenship of each party, by August 28, 2006. [Docket No. 13.] On August 25, 2006, the Court received Plaintiffs' statement regarding subject matter jurisdiction and materials in support.¹ [Docket No. 14.]

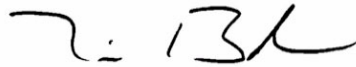
For purposes of diversity jurisdiction, a corporation is a citizen of both the state in which it has been incorporated and of the state where it has its principal place of business. 28 U.S.C. § 1332 (c)(1). The Plaintiffs have sufficiently demonstrated that they are professional corporations incorporated in Michigan with their principal places of business in Michigan. [Docket Nos. 2, 14.] However, the Court still lacks sufficient information to determine Zotec's principal place of business.

Plaintiffs merely pleaded that Zotec was a corporation in Indiana and doing business in Michigan. [Docket No. 2.] While it is clear from Plaintiffs' statement that Zotec is incorporated

¹Defendant, Zotec Solutions, Inc. ["Zotec"] filed its statement on August 29 agreeing with Plaintiffs' statement but lacking any additional information relevant to the jurisdictional question. [Docket No. 15.]

in Indiana, none of the Court filings reveals Zotec's principal place of business. Zotec is indeed incorporated in Indiana, but Zotec's principal place of business is not affirmatively pleaded in the complaint, amended complaint, or in the statement regarding subject matter jurisdiction. Without such information, the Court cannot definitely answer the jurisdictional question that exists. Accordingly, the Plaintiff shall file supplemental information specifying Zotec's principal place of business within seven days of this order. Failure to properly address this jurisdictional shortcoming may result in dismissal of this action.

Dated: 09/07/2006

A handwritten signature in black ink, appearing to read "T. Baker", is written above a horizontal line.

Tim A. Baker
United States Magistrate Judge
Southern District of Indiana

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